Docket No.: SONYJP 3.0-147
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Keiji Yuzawa

Application No.: 09/812,163   Group Art Unit: 2154

Filed: March 19, 2001   Examiner: J. Chang

For: INFORMATION DISTRIBUTION
       SYSTEM, INFORMATION RECEIVING
       APPARATUS, INFORMATION LIST
       FORMING METHOD, INFORMATION
       DELETING METHOD, AND
       INFORMATION STORING METHOD

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification Of Non-Compliant Appeal Brief mailed February 6, 2008 concerning the Appeal Brief filed December 18, 2006, an Amended Appeal Brief is submitted herewith along with an extension of time for one (1) month.

In the event that any additional fee is due in connection with the foregoing, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: April 4, 2008   Respectfully submitted,

                               By_____
                               Daryl K. Neff
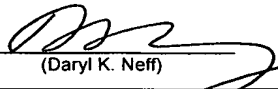   Registration No.: 38,253
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      SYSTEM, INFORMATION RECEIVING
      APPARATUS, INFORMATION LIST
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AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby files this amended brief on Appeal to appeal from the final rejection of claims 25-44 mailed February 14, 2006, following the Notice of Panel Decision From Pre-Appeal Brief Review mailed July 17, 2006, and further in response to the Notification of Non-Compliant Appeal Brief dated February 6, 2008.

REAL PARTY(IES) IN INTEREST

The real party in interest is Sony Corporation, assignee of the present application.

RELATED APPEALS AND INTERFERENCES

None; appellants, appellants' legal representative and the assignee are not aware of any other appeals or interferences

which will directly affect or be directly affected by or have a bearing on the Board's decision in the presently pending appeal.

STATUS OF CLAIMS

Claims 1-24 have been cancelled by previously submitted amendment.

Claims 25-44 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,801,747 to Bedard (hereinafter, "*Bedard*"), in view of U.S. Patent No. 6,177,931 to Alexander et al. (hereinafter, "*Alexander et al.*") and U.S. Patent No. 6,185,360 to Inoue et al. (hereinafter, "*Inoue et al.*"). The rejection of claims 25-44 is appealed in this present Appeal.

A clean copy of the claims on appeal is attached hereto as Appendix A.

STATUS OF AMENDMENTS

The amendment filed September 18, 2006 was denied entry and will not be acted upon by the Examiner. No other amendments await entry by the Examiner.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention claimed in independent claim 25 relates to a method of transmitting items containing content information to a user terminal and reproducing a selected one of said transmitted items at a time selected by a user of said user terminal. The method recited in claim 25 includes providing a user terminal, *e.g.*, user terminal 2 (FIG. 1) and transmitting information items to the user terminal (such as from an information distribution service 1 via broadcast satellite 3 (paragraphs [0027], [0039]), for example), wherein at least some

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of the transmitted items contain content information, e.g., moving images, audio sound (paragraph [0028]). At the user terminal, the transmitted items are received (paragraphs 0027, 0033) and access priorities are assigned (paragraphs [0077]-[0078], FIG. 10).

As described with reference to FIGS. 3 and 4 and paragraphs [0036], [0040]-[0041], [0051]-[0052] some of the received items, e.g., items 101A, 101B, 101C, 101D, etc. which contain content information are selected. As further described in paragraphs [0077], and [0080]-[0083] of the Specification and as illustratively shown in FIG. 10 (e.g., steps S1 through S3) and FIG. 11 (e.g., steps S11 through S13), the selected items are selected on the basis of information representing access priorities for respective ones of the selected items. The selected items e.g., items 101A, 101B, 101C (FIG. 4), etc., may then be selectively stored, such as in a storing apparatus 61 (paragraph [0051], FIG. 3). Referring to steps S2-S3 of FIG. 10, or alternatively steps S11-S13 of FIG. 11, the stored items then are arranged in an order according to the access priorities, such as in an order as shown in FIG. 12, as illustratively described at paragraphs [0080]-[0083] and [0085] of the Specification.

Then, as described at paragraph [0039], at a user-selected time after storing the selected items, one of the stored items is selected by the user, such as by using the receiver 21 (FIGS. 1-2) and browser 54 (FIG. 3). At least one of moving images or sound is caused to be reproduced from the user-selected item. (paragraphs [0039]-[0042])

The invention claimed in independent claim 30 relates to a method of transmitting items containing content information to a user terminal and reproducing a selected one of said

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transmitted items at a time selected by a user of said user terminal. The method recited in claim 30 includes providing a user terminal, *e.g.*, user terminal 2 (FIG. 1) and transmitting information items to the user terminal (such as from an information distribution service 1 via broadcast satellite 3 (paragraphs [0027], [0039]), for example), wherein at least some of the transmitted items contain content information, e.g., moving images, audio sound (paragraph [0028]). At the user terminal, the transmitted items are received (paragraphs 0027, 0033) and access priorities are assigned (paragraphs [0077]-[0078], FIG. 10).

As described with reference to FIGS. 3 and 4 and paragraphs [0036], [0040]-[0041], [0051]-[0052] some of the received items, *e.g.*, items 101A, 101B, 101C, 101D, etc. which contain content information are selected. As further described in paragraphs [0077], and [0080]-[0083] of the Specification and as illustratively shown in FIG. 10 (*e.g.*, steps S1 through S3) and FIG. 11 (*e.g.*, steps S11 through S13), the selected items are selected on the basis of information representing access priorities for respective ones of the selected items. The selected items *e.g.*, items 101A, 101B, 101C (FIG. 4), etc., are selectively stored, such as in a storing apparatus 61 (paragraph [0051], FIG. 3).

As recited in claim 30 (and unlike the method recited in claim 25), there is no step of "arranging said stored items of information in an order according to said access priorities." Instead, claim 30 recites deleting at least one of the items (101A, 101B, 101C, etc.) stored by the information storing unit (*e.g.*, storing apparatus 61) in an order beginning with the stored item having a lowest one of the access priorities, as illustrated at steps S3 through S5 of FIG. 10, and described in paragraph [0084] of the Specification.

Then, as described at paragraph [0039], at a user-selected time after storing the selected items, one of the stored items is selected by the user, such as by using the receiver 21 (FIGS. 1-2) and browser 54 (FIG. 3). At least one of moving images or sound is caused to be reproduced from the user-selected item. (paragraphs [0039]-[0042]).

The invention claimed in independent claim 35 relates to an information receiving apparatus for receiving transmitted items containing content information and to reproduce a selected one of the transmitted items at a time selected by the user. The claimed information receiving apparatus, e.g., user terminal 2 (FIG. 1) includes a receiver 21 which is operable to receive transmitted items, e.g. moving images, audio sound, such as from an information distribution service 1 via broadcast satellite 3 (paragraphs [0027], [0039]). Referring to FIG. 3, the information receiving apparatus includes a controller, e.g., a browser 54 (FIG. 3), which is operable to select some of the received items, e.g., items 101A, 101B, 101C, 101D, etc. (FIG. 4), as described in paragraphs [0036], [0040]-[0041], and [0051]-[0052]. The selected items contain content information including at least one of moving images or audio sound as described, for example, in paragraphs [0044], [0051]-[0052]. As described, for example, in paragraphs [0077], and [0080]-[0083] of the Specification and as illustratively shown in FIG. 10 (e.g., steps S1 through S3) and FIG. 11 (e.g., steps S11 through S13), the selected items are selected on the basis of information representing access priorities for respective ones of the selected items.

The information receiving apparatus further includes an information storing unit, e.g., storing unit 22; FIGS. 1-2, which is operable to selectively store the selected items, e.g., items 101A, 101B, 101C (FIG. 4), etc., in storing apparatus 61

(paragraph [0051], FIG. 3). An information forming unit (e.g., storing unit 22) is operable to arrange each of the stored items in an order according to the access priorities, as illustrated at steps S3 through S5 of FIG. 10, and described in paragraph [0084] of the Specification.

The controller, *e.g.*, receiver 21 (FIGS. 1-2) via browser 54 (FIG. 3), is further operable to permit the user to select one of the stored items (paragraph [0039]) containing content information at a time selected by the user after storing the user-selected item. The controller is operable to cause at least one of moving images or audio sound to be reproduced from the user-selected item (paragraphs [0039]-[0042]).

The invention claimed in independent claim 40 relates to an information receiving apparatus for receiving transmitted items containing content information and to reproduce a selected one of the transmitted items at a time selected by the user. The claimed information receiving apparatus, *e.g.*, user terminal 2 (FIG. 1) includes a receiver 21 which is operable to receive transmitted items, *e.g.* moving images, audio sound, such as from an information distribution service 1 via broadcast satellite 3 (paragraphs [0027], [0039]). Referring to FIG. 3, the information receiving apparatus includes a controller, *e.g.*, a browser 54 (FIG. 3), which is operable to select some of the received items, *e.g.*, items 101A, 101B, 101C, 101D, etc. (FIG. 4), as described in paragraphs [0036], [0040]-[0041], and [0051]-[0052]. The selected items contain content information including at least one of moving images or audio sound as described, for example, in paragraphs [0044], [0051]-[0052]. As described, for example, in paragraphs [0077], and [0080]-[0083] of the Specification and as illustratively shown in FIG. 10 (*e.g.*, steps S1 through S3) and FIG. 11 (*e.g.*, steps S11 through S13), the selected items are selected on the basis of

information representing access priorities for respective ones of the selected items. The information receiving apparatus further includes an information storing unit, *e.g.*, storing unit 22; FIGS. 1-2, which is operable to selectively store the selected items, *e.g.*, items 101A, 101B, 101C (FIG. 4), etc., in storing apparatus 61 (paragraph [0051], FIG. 3).

As recited in independent claim 40, and unlike that recited in claim 35, there is no requirement of an information forming unit for arranging each of the stored items in order. Independent Claim 40 requires that the controller (*e.g.*, receiver 21) be operable to *delete* at least one of the items (101A, 101B, 101C, etc.) stored by the information storing unit (*e.g.*, storing apparatus 61) in an order beginning with the stored item having a lowest one of the access priorities, as illustrated at steps S3 through S5 of FIG. 10, and described in paragraph [0084] of the Specification.

The controller, *e.g.*, receiver 21 (FIGS. 1-2) via browser 54 (FIG. 3), is further operable to permit the user to select one of the stored items (paragraph [0039]) containing content information at a time selected by the user after storing the user-selected item. The controller is operable to cause at least one of moving images or audio sound to be reproduced from the user-selected item (paragraphs [0039]-[0042]).

As further recited in claims 36 and 26, and as illustratively described in paragraphs [0083] and [0085], the information receiving apparatus can determine the access priority of each selected item by first processing which includes associating with each of the information items category attribute information corresponding to a category assigned to the content information contained in each the information item, where the category is one of a plurality of categories. The

category attribute information associated with each the transmitted item is then transmitted. Using the transmitted category attribute information at the user terminal, the number of times the transmitted items in each the category are accessed by a user are counted to obtain count values of the plurality of categories. The access priorities are then determined from the count values.

Alternatively, as recited in claims 37 and 27, the access priority of each the selected item is determined by second processing, as described in paragraph [0083]. The second processing includes associating with each of the information items priority attribute information corresponding to a priority assigned to the content information contained in each the information item, the priority being one of a plurality of priorities. Referring to FIG. 12, the priority attribute information associated with each of the transmitted items is then transmitted, and the transmitted priority attribute information is used at the user terminal to determine the access priority for each selected item.

Alternatively, as recited in claims 38 and 28, the access priority of each the selected item is determined by both first processing and second processing, as described in the Specification and illustrated by the drawings in the manner indicated in the foregoing.

Additional features of the invention recited in method claims 31-34 are similar to features recited in claims 41-44, and are illustrated by the same references to the Specification and drawings, as those which are recited in claims 36-39 and 26-39.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 25-44 are unpatentable under 35 U.S.C. §103(a) over *Bedard* (US 5,801,747) in view of *Alexander et al. (US 6,177,931)* and *Inoue et al.* (US 6,185,360).

ARGUMENT - CLAIMS 25-26, 28-29 and 35-36, 38-39

Applicants respectfully submit that the Examiner fails to show that the above-identified claims are obvious over the combination of references cited by the Examiner. The combination of references cited by the Examiner neither teaches nor suggests the invention as recited in independent claim 25. *Bedard* fails to teach at least the following features recited in claim 25: selecting some received content information-containing items on the basis of information representing access priorities; selectively storing the selected content information-containing items in the user terminal; arranging the stored items of content information in an order according to access priorities; and at a user-selected time after storing the selected items, user selecting one of the stored items of content information and causing moving images and/or audio sound to be reproduced from the user-selected one of the stored items. *Bedard* merely shows the creation of a viewer profile array, which is then used to tailor the display of received electronic program guide (EPG) information. A user of the system described in *Bedard* has no ability to select a program to be reproduced from a set of programs that are stored locally at a user terminal based on the user's preferences.

Alexander et al. does not provide the teachings which *Bedard* lacks. The passages cited by the Examiner at col. 12 of *Alexander et al.* merely describe the reception of items according to the user's *specific* requests, such as "4 hours of

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CNN news broadcasts." (col. 12, lns. 15-16) *Alexander et al.* neither teaches nor suggests selecting such content-containing items and selectively storing them on the basis of information representing the access priorities. While *Alexander et al.* describes the use of viewer profile information in creating a "Profile Program," at best such program is used only to arrange an order for displaying **EPG information** [emphasis added] and to determine which of several stored advertisements is to be displayed, without the user's selection of such advertisements. In addition, *Alexander et al.* neither teaches nor suggests arranging stored items of information in an order according to access priorities, and at a user-selected time after storing the selected items, selecting one of the stored items by the user and causing moving images and/or audio sound to be reproduced from the user-selected item.

Finally, *Inoue et al.* fails to provide the teachings which *Bedard* and *Alexander et al.* lack with respect to the invention cited in claim 25. *Inoue et al.* neither teaches nor suggests arranging stored items of information in an order according to access priorities and at a user-selected time after storing the selected items, user selecting one of the stored items and causing moving images and/or audio sound to be reproduced from the user-selected item.

Claim 35 recites an apparatus and contains analogous recitations. For the foregoing reasons, claim 35 is also believed to be allowable.

Claims 26, 28-29 and 36, 38-39 which depend from claims 25 and 35 stand or fall together with claims 25 and 35.

ARGUMENT - CLAIMS 30-31, 33-34 and 40-41, 43-44

With respect to claims 30 and 40, the combination of references fails to teach or suggest the feature of deleting at least one of a plurality of stored content-containing items from the user terminal in an order beginning with the stored item having a lowest one of the access priorities. *Bedard* merely describes deleting a channel from a list of channels that is displayable as EPG information. Neither *Alexander et al.* nor *Inoue et al.* provides the teachings which *Bedard* lacks with respect to the invention recited in claims 30 and 40.

Claims 31, 33-44 and 41, 43-44 which depend from claims 30 and 40 stand or fall together with claims 30 and 40.

ARGUMENT - CLAIMS 32 and 42

In paragraph 11 of the final Office Action dated May 24, 2006, the Examiner appears to cite the passage of *Bedard* at col. 3, lns. 33-56 as teaching the particular method of determining access priorities which is recited in claims 32 and 42. However, that passage of *Bedard* clearly fails to teach or suggest the transmitting of priority attribute information associated with each transmitted item and using the transmitted priority information to determine an access priority for each selected item.

CONCLUSION

This Honorable Board should reverse the rejections of claims 25-44.

Dated: April 4, 2008   Respectfully submitted,

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APPENDIX A - CLAIMS

1-24. (canceled)

25. (previously presented) A method of transmitting items containing content information to a user terminal and reproducing a selected one of said transmitted items at a time selected by a user of said user terminal, comprising:

providing a user terminal;

transmitting information items to said user terminal, at least some of said transmitted items containing content information including at least one of moving images or audio sound;

at said user terminal, receiving said transmitted items containing content information and assigning access priorities to said received items;

selecting some of said received items containing content information on the basis of information representing said access priorities;

selectively storing said selected items in said user terminal;

arranging said stored items of information in an order according to said access priorities; and

at a user-selected time after storing said selected items, user selecting one of said stored items and causing said at least one of moving images or audio sound to be reproduced from said user-selected item.

26. (previously presented) The method as claimed in claim 25, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii)

transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

27. (previously presented) The method as claimed in claim 25, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

28. (previously presented) The method as claimed in claim 25, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and by second processing including i) associating with each of said information items priority attribute

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information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

29. (previously presented) The method as claimed in claim 25, further comprising determining an access tendency of the user from said count values of said plurality of categories and determining said access priorities from said access tendency.

30. (previously presented) A method of transmitting items containing content information to a user terminal and reproducing a selected one of said transmitted items at a time selected by a user of said user terminal, comprising:

providing a user terminal;

transmitting information items to said user terminal, at least some of said transmitted items containing content information including at least one of moving images or audio sound;

at said user terminal, receiving said transmitted items containing content information and assigning access priorities to said received items;

selecting some of said received items containing content information on the basis of information representing said access priorities;

selectively storing said selected items in said user terminal;

deleting at least one of said stored items from said user terminal in an order beginning with said stored item having a lowest one of said access priorities; and

at a user-selected time after storing said selected items, user selecting one of said stored items and causing said at least one of moving images or audio sound to be reproduced from said user-selected item.

31. (previously presented) The method as claimed in claim 30, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

32. (previously presented) The information processing method as claimed in claim 30, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

33. (previously presented) The information processing method as claimed in claim 30, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items

category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

34. (previously presented) The method as claimed in claim 30, further comprising determining an access tendency of the user from said count values of said plurality of categories and determining said access priorities from said access tendency.

35. (previously presented) An information receiving apparatus operable to receive transmitted items containing content in formation and to reproduce a selected one of said transmitted items at a time selected by a user, comprising:

a receiver operable to receive items containing content information transmitted to said information receiving apparatus;

a controller operable to select some of said received items, said selected items containing content information including at least one of moving images or audio sound, said

selected items being selected on the basis of information representing access priorities for respective ones of said selected items;

an information storing unit operable to selectively store said selected items; and

an information forming unit operable to arrange each of said stored items in an order according to said access priorities,

said controller being further operable to permit a user to select one of said stored items containing content information at a user-selected time after storing said user-selected item and to cause said at least one of moving images or audio sound to be reproduced from said user-selected item.

36. (previously presented) The information receiving apparatus as claimed in claim 35, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

37. (previously presented) The information receiving apparatus as claimed in claim 35, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said

information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

38. (previously presented) The information receiving apparatus as claimed in claim 35, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and said second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

39. (previously presented) The information receiving apparatus as claimed in claim 35, wherein said controller is further operable to determine an access tendency of the user from said count values of said plurality of categories and to determine said access priorities from said access tendency.

40. (previously presented) An information receiving apparatus operable to receive transmitted items containing content in formation and to reproduce a selected one of said transmitted items at a time selected by a user, comprising:

a receiver operable to receive items containing content information transmitted to said information receiving apparatus;

a controller operable to select some of said received items, said selected items containing content information including at least one of moving images or audio sound, said selected items being selected on a basis of information representing access priorities for respective ones of said selected items; and

an information storing unit operable to selectively store said selected items,

wherein said controller is further operable to delete at least one of said stored items in an order beginning with said stored item having a lowest one of said access priorities and to permit a user to select one of said stored items containing content information at a user-selected time after storing said user-selected item and to cause said at least one of moving images or audio sound to be reproduced from said user-selected item.

41. (previously presented) The information receiving apparatus as claimed in claim 40, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user

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terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values.

42. (previously presented) The information receiving apparatus as claimed in claim 40, wherein said access priority of each said selected item is determined by second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

43. (previously presented) The information receiving apparatus as claimed in claim 40, wherein said access priority of each said selected item is determined by first processing including i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories, ii) transmitting said category attribute information associated with each said transmitted item, iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and iv) determining said access priorities from said count values and second processing including i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of

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priorities, ii) transmitting said priority attribute information associated with each said transmitted item, and iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

44. (previously presented) The information receiving apparatus as claimed in claim 40, wherein said controller is further operable to determine an access tendency of the user from said count values of said plurality of categories and to determine said access priorities from said access tendency.

APPENDIX B - EVIDENCE

Appellant has not submitted any evidence with this Appeal Brief.

APPENDIX C – RELATED PROCEEDINGS

Appellant is not aware of any related proceedings.